

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANK J. ASHLEY,  
Petitioner,

v.

DARIN MICHAEL YOUNG, et al.,  
Respondents.

Case No. [17-cv-07138-DMR](#) (PR)

**ORDER OF TRANSFER**

Petitioner, who is proceeding *pro se*, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the Seventh Judicial Circuit Court in Rapid City, South Dakota. Dkt. 1. Petitioner has also moved for leave to proceed *in forma pauperis*. Dkt. 4.

Petitioner has also consented to magistrate judge jurisdiction in this action. Dkt. 6.

As mentioned above, the petition alleges that Petitioner was convicted in the Seventh Judicial Circuit Court in the State of South Dakota, which is within the venue of the United States District Court for the District of South Dakota. Petitioner is incarcerated at the South Dakota State Penitentiary in Sioux Falls, South Dakota, which is also within the venue of the District of South Dakota. Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d).

Accordingly, this case is TRANSFERRED to the United States District Court for the District of South Dakota. *See* 28 U.S.C. § 1404(a).<sup>1</sup> The Clerk of the Court shall transfer the case forthwith.

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<sup>1</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

1 All remaining pending motions are TERMINATED on this court's docket as no longer  
2 pending in this district.

3 This Order terminates Docket No. 4.

4 IT IS SO ORDERED.

5 Dated: January 11, 2018



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DONNA M. RYU  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANK J. ASHLEY,  
Plaintiff,

v.

DARIN MICHAEL YOUNG, et al.,  
Defendants.

Case No. [4:17-cv-07138-DMR](#)

**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 11, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Frank J. Ashley ID: 05651  
P.O. Box 5911  
Sioux Falls, SD 57117-5911

Dated: January 11, 2018

Susan Y. Soong  
Clerk, United States District Court

By:   
Ivy Lerma Garcia, Deputy Clerk to the  
Honorable DONNA M. RYU